

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached was transmitted via facsimile transmission to the Assistant Commissioner for Patents, via facsimile number (703) 872-9306, on this 4th day of October, 2002.

Virginia Jones
Attorney/Agent for Applicants

October 4, 2002
Date

Attorney Docket No. 0961D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pramod B. Mahajan Date: October 4, 2002
Serial No.: 09/805,311 Group Art Unit: 1638
Filed: March 13, 2001 Examiner: Helmer, Georgia L.
For: "Rad2/FEN-1 Orthologues and Uses Thereof"

Assistant Commissioner for Patents
Washington, D.C. 20231

Response to Restriction Requirement

This is in response to the Restriction Requirement issued September 4, 2002, in which the Examiner has required restriction between Group I (Claims 1-6), Group II (Claims 7-14), Group III (Claim 15-35 and 45-65) and Group IV (Claims 15, 36-44, 45, and 66-74). Applicants hereby elect with traverse to prosecute the claims of Group I, and expressly reserve the right to file divisional applications or take other such appropriate measures to protect the inventions in the remaining claims. No change of inventorship is required due to this election of Group I. The Applicants respectfully traverse the Restriction Requirement and request reconsideration of the same.

The Examiner concludes that the inventions of Groups I and II/III/IV are related as product and process of use. The methods are linked by the use of Rad2/FEN-1 as the starting material. Applicants believe the examination of Groups II-IV will rely primarily on the search results of Group I. According to MPEP 803, distinct

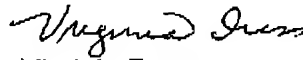
Serial No. 09/805,311
Group Art Unit: 1638

inventions may be examined together. Therefore Applicants respectfully request the rejoinder of Groups I, II, III, and IV.

The Examiner concludes that the inventions of Groups II, III and IV are unrelated. The Examiner states these inventions have different starting materials. Applicants respectfully disagree, as all the methods have Rad2/FEN-1 as the starting material. In fact, this is the apparent basis for the Examiner's restriction of Group I from Groups II-IV, "The methods of Group II, III, or IV, are three different methods of use of the Group I product." Therefore, Applicants respectfully request the restriction between Groups II-IV be withdrawn. In particular, Applicants request that the restriction between Groups III and IV be withdrawn, as the claims of Group IV are a subset of the broad claims 15 and 45 also classified in Group III. Also, the Examiner has shown these two Groups (III and IV) to both be classified in the same search area, namely Class 800, Subclass 278. The Examiner has not demonstrated the need for separate searches for the examination of these two Groups. Groups III and IV as disclosed are capable of use together and sufficiently related to be combined. The Groups are linked by the use of the same starting material, which will be the primary focus of the search. According to MPEP 803, distinct inventions may be examined together. Therefore, the Applicants request that restriction between Groups II, III and IV in this application be withdrawn.

Applicants have fully responded to the Restriction Requirement by election of Group I with traverse. Applicants respectfully request reconsideration and withdrawal of the restriction.

Respectfully submitted,


Virginia Dress
Attorney for Applicant(s)
Registration No. 48,243

10/04/02 FRI 07:34 FAX 515 334 6883

PIONEER HI-BRED DSM

005

Serial No. 09/805,311
Group Art Unit: 1638

PIONEER HI-BRED INTERNATIONAL, INC.
Corporate Intellectual Property
7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 270-4192
Facsimile: (515) 334-6883

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Virginia Dress
Attorney/Agent for Applicant
October 4, 2002
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OFFICIAL

7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 270-4192
Fax: (515) 334-6883

TO: Assistant Commissioner for Patents

FROM: Virginia Dress, Registration No. 48,243

RE: U. S. Patent Application No. 09/805,311; Attorney Docket No. 0961D

DATE: October 4, 2002 FAX NUMBER: (703) 872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 4

COMMENTS:

Attached --

- Associate Power of Attorney/1 page
- Response to Restriction Requirement/3 pages

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